IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.89 OF 2007
IN
CRIMINAL APPEAL NO.570 OF 2006

Shri.Sambhaji Aba Mandale ...Applicant.

Versus

The State of Maharashtra
and Anr. ...Respondents.

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Mr.Manoj Kadam with Mr.Pratap Patil, Advocate for the Applicant.
Mr.S.R.Shinde, APP, for State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 20th February, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant-original accused and the learned APP for the State.

2. The applicant has been convicted under Section 376(2)(f) of IPC and sentenced to imprisonment for 10 years. The applicant is now seeking bail.

3. It is the prosecution case that on

24.12.2004, the applicant has raped the prosecutrix who was 6-9 years old. The evidence of the prosecutrix clearly implicates the applicant. Moreover, the medical evidence, especially that of PW-4 Dr.Murthi shows that there was a tear to the hymen and edges were ragged. The injury was within 48 hours.

4. Looking to all these facts, I am not inclined to release the applicant on bail.

5. Application is rejected. However, if the Appeal is not heard within a year, liberty to the applicant to prefer a fresh application for bail.

(SMT.V.K.TAHILRAMANI,J.)